

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONALD MONTGOMERY, ANDREW CARTER,
LOIS REID, KARL BECHLER, and "M.M.," as
individuals, and on behalf of all other persons similarly
situated,

Plaintiffs,

14-cv-06709-CJS

- against -

ANDREW M. CUOMO, Governor of the State of New
York; ANN MARIE T. SULLIVAN, Commissioner of
the New York State Office of Mental Health;
MICHAEL C. GREEN, Executive Deputy
Commissioner of the New York State Division of
Criminal Justice Services; JOSEPH A. D'AMICO,
Superintendent of the New York State Police;
VINCENT F. DEMARCO, Suffolk County Sheriff's
Department; and EASTERN LONG ISLAND
HOSPITAL,

Defendants.

DECLARATION OF WILLIAM J. TAYLOR, JR.

WILLIAM J. TAYLOR, JR., an attorney duly admitted to practice before this Court,
declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an Assistant Attorney General in the office of ERIC T. SCHNEIDERMAN,
Attorney General of the State of New York, attorney for defendants Andrew Cuomo, Governor
of the State of New York; Ann Marie T. Sullivan, Commissioner of the New York State Office
of Mental Health; Michael C. Green, Executive Deputy Commissioner of the New York State
Division of Criminal Justice Services; and Joseph A. D'Amico, Superintendent of the New York
State Police (collectively, the "State Defendants") in the above-captioned action.

2. I submit this declaration in support of the State Defendants' motion, pursuant to
Rules 12(b)(1), 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure and 28 U.S.C. §

1406(a), to dismiss with prejudice plaintiffs' Amended Complaint, dated February 2, 2015, or, alternatively, to transfer this case to the Northern or Eastern District of New York, for the limited purpose of providing the Court with true and accurate copies of the following documents referenced in the accompanying Memorandum of Law in Support of State Defendants' Motion to Dismiss the Amended Complaint, dated February 26, 2015:

Exhibit	Exhibit Description
1	Amended Complaint, dated Feb. 2, 2015 (ECF No. 14).
2	George P. LeBrun, as told to Edward P. Radin, <i>It's Time to Tell</i> , pp. 102-114 (1962).
3	1956 N.Y. Laws, ch. 200, § 1 (codified at former N.Y. Penal Law § 1897(9-b)).
4	Gun Control Act of 1968, Pub. L. 90-618, 82 Stat. 1213 (1968).
5	NICS Improvement Amendments Act of 2007, Pub. L. No. 110-180, 121 Stat. 2559 (2008) (codified at 18 U.S.C. § 922 note).
6	New York State Senate Introducer's Memorandum in Support, S. 8706, dated June 2008.
7	Secure Ammunition and Firearms Enforcement Act, 2013 N.Y. Laws, ch. 1 (the "SAFE Act").
8	Transcript of the New York State Assembly Debate on the SAFE Act, Jan. 15, 2013.
9	Letter regarding Lois Jean Reid from James E. Sherman, Technical Lieutenant, Pistol Permit Bureau, New York State Police to Erie County Court, Pistol Licensing Office, dated Jan. 7, 2014 (with redactions).
10	Letter regarding Donald H. Montgomery from James E. Sherman, Technical Lieutenant, Pistol Permit Bureau, New York State Police to Suffolk County Clerk's Office, dated May 29, 2014, filed as Ex. 23 to the Declaration of Attorney of Plaintiff, dated Jan. 15, 2015 ("Capanna Declaration") (as redacted) (ECF No. 3-12).
11	NYS Office of Mental Health ("OMH") and NYS Office for People with Developmental Disabilities, Guidance Document regarding the SAFE Act, <i>available at</i> https://www.omh.ny.gov/omhweb/safe_act/guidance.pdf .

Exhibit	Exhibit Description
12	OMH and New York State Division of Criminal Justice Services, <i>NY SAFE Act: Introduction for Mental Health Providers</i> , dated Mar. 12, 2013, available at https://www.omh.ny.gov/omhweb/safe_act/nysafe.pdf .
13	<p>OMH, <i>NY SAFE Act: FAQs</i>, available at https://www.omh.ny.gov/omhweb/safe_act/faq.html.</p> <ul style="list-style-type: none"> • FAQs are also available at http://programs.governor.ny.gov/nysafeact/mental-health-faq.
14	Notice of Petition and Verified Petition, <i>Montgomery v. DeMarco</i> , Index No. 000121/2015 (Sup. Ct. Suffolk Cnty.), filed Jan. 8, 2015.
15	Letter from D/S Inv. Sgt. Williams, C.O. Pistol License Section, Office of the Sheriff, County of Suffolk to Donald Montgomery, dated Sept. 8, 2014, filed as Ex. 27 to the Capanna Declaration (ECF No. 3-12).
16	Notice of Status and Rights, Emergency Admission, Mental Hygiene Law § 9.39, regarding Donald Montgomery, dated May 23, 2014 (as redacted), filed as Ex. 20 to the Capanna Declaration (ECF No. 3-12).
17	Letter from Donald Montgomery to Board of Directors, Eastern Long Island Hospital, dated June 10, 2014, filed as Ex. 21 to the Capanna Declaration (ECF No. 3-12).
18	Letter from Tara Kraemer, RN, Director, Quality Management Department, Eastern Long Island Hospital to Donald Montgomery, dated July 2, 2014, filed as Ex. 22 to the Capanna Declaration (ECF No. 3-12).
19	<p>Exhibit 28 to the Capanna Declaration (ECF No. 3-12):</p> <ul style="list-style-type: none"> • Suffolk County Sheriff's Office, "General Receipt" regarding pistol license of Donald H. Montgomery, dated May 30, 2014 (as redacted); • Business card of Deputy Sheriff Investigator Darren F. DiCarlo, Suffolk County Sheriff's Office; and • Suffolk County Sheriff's Office, "Property Receipt" regarding firearms surrendered by Donald H. Montgomery, dated May 30, 2014 (as redacted).
20	Letter from Commanding Officer, Suffolk County Sheriff's Office, Pistol License Section to Donald Montgomery, dated June 2, 2014 (as redacted), filed as Ex. 25 to the Capanna Declaration (ECF No. 3-12).
21	Letter regarding Donald Montgomery from Paloma A. Capanna to Pistol License Bureau, Suffolk County Sheriff's Office, dated Sept. 2, 2014, filed as a part of Ex. 26 to the Capanna Declaration (ECF No. 3-12).

Exhibit	Exhibit Description
22	Letter regarding Donald Montgomery from D/S Inv. Sgt. Williams, C.O. Pistol License Section, Office of the Sheriff, County of Suffolk to Paloma Capanna, with enclosures, dated Sept. 8, 2014, filed as Ex. 28 to the Capanna Declaration (ECF No. 3-12).
23	New York State Unified Court System, electronic docket entries in <i>Montgomery v. DeMarco</i> , Index No. 000121/2015 (Sup. Ct. Suffolk Cnty.), available at https://iapps.courts.state.ny.us/webcivil/FCASSearch .
24	Transcript of Buffalo Police 911 Call regarding Andrew Carter, July 26, 2014.
25	Buffalo Police, Complaint Summary Report, 911 Call, July 26, 2014.
26	City of Tonawanda Police Department, Complaint Information, Complaint # 14-010234, 911 Call, July 26, 2014 (with redactions).
27	Transcript of City of Tonawanda 911 Call regarding Andrew Carter, July 26, 2014 (with redactions).
28	Hon. William F. Kocher, Ontario County Court Judge, Order Reinstating Pistol Permit of Karl Bechler, dated Dec. 3, 2014 (with redactions).
29	Transcript of Ontario County Sheriff's Office 911 Call regarding Karl Bechler, Sept. 6, 2013.
30	Ontario County Sheriff's Department, Event Summary Report, 911 Call, Sept. 6, 2013 (with redactions).
31	New York State Police, Incident Report, Incident No. 5271406, regarding Karl Bechler, Sept. 6, 2013 (with redactions).
32	Hon. Frederick G. Reed, Ontario County Court Judge, Order Suspending Pistol Permit of Karl Bechler, dated Sept. 6, 2013 (with redactions).
33	Hon. Frederick G. Reed, Ontario County Court Judge, Order Suspending Pistol Permit of wife of Karl Bechler, dated Sept. 6, 2013 (with redactions).
34	Letter regarding Karl Bechler from James E. Sherman, Technical Lieutenant, Pistol Permit Bureau, New York State Police to Ontario County Clerk's Office, dated Sept. 17, 2013 (with redactions).
35	New York State Police, Incident Report, Incident No. 6069127, regarding Karl Bechler, Jan. 16, 2015 (with redactions).

Exhibit	Exhibit Description
36	Letter from Utah Department of Public Safety to "K.B." regarding concealed firearm permit application, dated Aug. 21, 2014, filed as Ex. 35 to Capanna Decl. (as redacted) (ECF No. 3-13).
37	Shaundra K. Lewis, <i>Firearms Law Redux – Legislative Proposals for Disarming the Mentally Ill Post-Heller and Newtown</i> , 3 Mental Health L. & Policy J. 320 (2014), available at http://www.memphis.edu/law/currentstudents/mentalhealthjournal/MHLPJArchives/Lewis%20Final%20Edits%206.14.14.pdf .
38	Liz Robbins & N.R. Kleinfield, <i>4 Firefighters Shot, 2 Fatally, in New York; Gunman Dead</i> , N.Y. Times, Dec. 24, 2012, available at http://www.nytimes.com/2012/12/25/nyregion/2-firefighters-killed-in-western-new-york.html .

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: New York, New York
February 26, 2015

/s/ William J. Taylor, Jr.
William J. Taylor, Jr.